

OPINION 1131

AMPHISBAENA MILDEI PETERS, 1878 (REPTILIA):
SUPPRESSED UNDER THE PLENARY POWERS

RULING – (1) Under the plenary powers the specific name *mildei* Peters, 1878, as published in the binomen *Amphisbaena mildei*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The specific name *mildei* Peters, 1878, as published in the binomen *Amphisbaena mildei*, and as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1051.

HISTORY OF THE CASE Z.N.(S.) 1746

An application from Professor Carl Gans (then of *University of New York, Buffalo, N. Y., U.S.A.*) was first received in February 1966 and published in October 1966 in *Bull. zool. Nom.* vol. 23: 162–163. It was supported by Professor Hobart M. Smith and Dr H. Wermuth, but opposed by the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists. The case involved the application of Article 23b (of the 1964 Code), and the degree of confusion surrounding that provision is well illustrated by the erroneous procedural note published by the Secretary to the Commission in *Bull. zool. Nom.*, vol. 25: 211. The case was not taken to a conclusion at that time.

Professor Gans's original application had been based on the position that *Amphisbaena mildei* was not only an unused name, but also a *nomen dubium*, because Peters's type specimen had been lost. On 14 August 1973 a letter was received from him announcing his rediscovery of the lost type and confirming his previous belief that *A. mildei* was a senior synonym of *A. darwini* Duméril & Bibron, 1839 *trachura* Cope, 1885. He therefore submitted, on 14 September 1973, a fresh application in which he gave evidence of a *prima facie* case for the suppression of *A. mildei* under the revised (1972) provisions of Article 23a–b and 79b. He did not ask that any name be placed on the Official List. This application was sent to the printer on 27 August 1974 and was published on 13 January 1975 in *Bull. zool. Nom.* vol. 31: 201–203. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory periodicals

and to two herpetological journals. It was supported by the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists. No adverse comment was received.

DECISION OF THE COMMISSION

On 5 September 1978 the members of the Commission were invited to vote under the Three-Month Rule on voting paper 1978(11) for or against the proposals in *Bull. zool. Nom.*, vol. 31: 202. At the close of the voting period on 5 December 1978 the state of the voting was as follows:

Affirmative Votes – fourteen (14) received in the following order: Holthuis, Melville, Alvarado, Eisenmann, Mroczkowski, Vokes, Brinck, Willink, Tortonese, Cogger, Binder, Corliss, Nye, Welch

Negative Votes – three (3): Habe, Dupuis, Bernardi.

A late negative vote was received from Sabrosky. Ride was on leave of absence. Bayer abstained from voting. No voting papers were returned by Heppell, Kraus and Starobogatov.

The following comments were returned by members of the Commission with their voting papers:

Bayer: "It is not clear to me what is required in this case. The applicant goes to some length (p. 201, first paragraph) to show that the overlooked name *Amphisbaena mildei* Peters, 1878, applies to the southern form of *A. darwini* Duméril & Bibron, 1839, later called *trachura* Cope, 1885, to support his request for suppression of *mildei* in favour of the junior name, which has become generally accepted. As he then states (p. 202) that the rediscovered type of *mildei* belongs to the northern form, it would not appear to be in competition with the name of the southern form, and I do not see what its suppression would achieve." [This question was put to Professor Gans, who replied that the rediscovered type belongs in fact to the southern form.]

Bernardi: "Malgré l'appui d'un comité 'ad hoc' je vote contre. Il me paraît tout à fait inutile de renoncer au principe de priorité dans le cas d'un nom subspécifique, concernant seulement quelques spécialistes."

Sabrosky: "I think the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists should have stood by their original position. The papers they cite are recent and chiefly taxonomic and I see no overwhelming reason for not applying the name *mildei* based on the unexpected discovery of the type."

ORIGINAL REFERENCE

The following is the original reference to a name placed on an Official Index by the ruling given in the present Opinion:

mildei, *Amphisbaena*, Peters, 1878, *Monatsber. k. preuss. Akad. Wiss.*, 1878: 778–781

CERTIFICATE

I certify that the votes cast on voting paper (78)11 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1131.

R.V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

22 January 1979